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Report of the Peacebuilding Commission

United Nations reform: measures and proposals

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the report of the Standing Committee on United Nations Affairs, noted on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 31, 123 and 124.

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Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Report of the Standing Committee on United Nations Affairs

Noted on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva

The Vice President of the Committee, Mr. El Hassan Al Amin (Sudan) opened the session, welcoming participants and inviting them to adopt the decision of the Bureau, taken at its Hanoi session (132nd Assembly), to elect Mr. A. Avsan (Sweden) as President of the Committee. The Vice-President then invited Mr. Avsan to take over the chairmanship of the meeting.

Mr. Avsan continued with the announcement that three new members had been nominated by their geopolitical groups to the Bureau of the Committee: Mr. I. Dodon (Republic of Moldova), Ms. A. Bimendina (Kazakhstan), and Ms. A. Trettergstuen (Norway). With no objection from the floor, the President declared those appointments adopted.

After announcing a number of UN meetings that would be high on the agenda in 2016, the President drew attention to a Handbook on the United Nations published by the Government of New Zealand. Ms. A. King from the Parliament of New Zealand formally introduced the Handbook as a practical manual to United Nations bodies and processes. She noted that the first edition of the handbook was dated 1961.

The President announced the two sessions on the programme, which he moderated in interview style.

Session 1: Review of the UN Peacebuilding Commission on its 10th anniversary

Dr. O. Jutersonke, Head of Research, Centre on Conflict, Development and Peacebuilding (CCDP), Graduate Institute, Geneva

Mr. A. Correia, Deputy Speaker of the National Assembly of Guinea-Bissau

Mr. S. Weber, Director General, Interpeace

Ambassador Y. Stevens, Permanent Representative of Sierra Leone to the United Nations, Geneva

The Peacebuilding Commission (PBC) had been instituted 10 years earlier to help consolidate the peace in post-conflict countries. A UN General Assembly resolution had subsequently invited the PBC to work closely with the national parliaments of the countries involved. Taking the cue from a review of an independent expert commission of the United Nations, issued in June, the session considered how effective the PBC has been in stabilizing post-conflict countries. The discussion that ensued confirmed some of the experts' conclusion that peacebuilding needed to be better integrated throughout the UN system.

A key point that emerged centred on the need to redefine the role of the United Nations in peacebuilding. That was not a new mission for the United Nations and drew its origin in the UN Charter. The novelty of the PBC was that it had been created specifically to manage the sensitive period between the immediate end of conflict and the moment when a post-conflict country was able to get back on its feet to manage its own development.

Expectations of the PBC and of the peacebuilding mandate of the United Nations were often too high. In part, the United Nations itself was responsible for raising expectations when it tried to lead the peacebuilding process instead of limiting itself to enabling actors on the ground to find their own solutions. In the final analysis, parliamentarians and other decision makers in each country were responsible for creating the conditions for peace.

There was consensus among discussants that the United Nations and all peace-seeking actors should invest more in conflict prevention. On the other hand, it was acknowledged that it was not always possible to determine when a country was at risk of conflict and whether a conflict was imminent. It was a lot easier to talk about prevention in theoretical terms than to practise it in concrete scenarios. In a sense, the PBC could be considered as a conflict prevention tool whenever it managed to prevent a post-conflict country from falling back into conflict.

Addressing the root causes of conflict should be the main objective of peacebuilding. When that failed then conflict was likely to return, as the case of Burundi had illustrated. Most conflicts were rooted in some form or other of social, economic, or political exclusion. Those conditions in turn undermined the trust of vulnerable groups in the institutions of government.

The PBC and indeed the broader peacebuilding architecture of the United Nations (which consisted of the Commission, a Fund, and an Office in charge of operations) were often conflated with the peacekeeping work of the United Nations. It was important to distinguish between the two. Similarly, the PBC could not be seen as an enforcer of the relatively new principle of "Responsibility to Protect" (R2P). That principle only came into play when governments committed atrocities against some of their own citizens or refused to protect people from violent persecution. The PBC could only operate with the consent of the concerned governments.

As illustrated in Guinea-Bissau, a country where the PBC was active, parliaments could take the lead in the peacebuilding effort by constituting a reconciliation commission. Such a commission had been in place in Guinea-Bissau for some time and had helped different groups articulate their grievances. The IPU, for its part, should invest more in strengthening the capacities of parliaments in post-conflict countries to take on a stronger peacebuilding role.

Session 2: The role of the International Court of Justice (ICJ) in the resolution of international disputes

Prof. M. Kohen, Professor of international law, Graduate Institute of International and Development Studies, Geneva

Ambassador J. Lindenmann, Deputy Director of the Directorate of International Law, Department of Foreign Affairs, Switzerland

The ICJ was one of the six principal organs of the United Nations. The Court was designed to facilitate the peaceful resolutions of disputes through recourse to international law. Despite a strong record (about 144 cases adjudicated in the last 70 years), many countries who were parties to the ICJ did not recognize the jurisdiction of the Court as compulsory. The session looked closely at the consequences of that practice in terms of the Court's overall effectiveness as a conflict-prevention tool. In the process, a number of misconceptions and misunderstandings about the Court were clarified.

Contrary to what some might believe, the Court was not subject to political influence by the Security Council or other bodies of the United Nations. The custom that five of the 15 Justices must come from the permanent members of the Security Council had not resulted in undue political influence on the Court. Court decisions could not be vetoed by the Security Council.

Overall, the Court was a force for good. It helped countries resolve a dispute where political negotiation had been deadlocked. The Court was paid for entirely through UN assessed contributions. All States were equally sovereign before the Court regardless of their wealth or power. While it was true that, technically speaking, Court judgments could not be enforced, virtually every case in which parties had agreed to the jurisdiction of the Court had complied with the Court's decision.

Bringing a case before the Court was an act of peace. It signalled to the international community that the parties were respectful of international law. In fact, it was noted that the UN Charter made it clear that States had an obligation to seek a peaceful settlement to their disputes.

The Court's formal decisions should not be confused with its advisory opinions. Those were issued in instances when legal questions were put to the ICJ by UN bodies and specialized agencies duly authorized to do so. By definition, advisory opinions were not binding and did not entail an obligation to act. They always mattered, however, because they helped extend the field of international law.